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TAGS: [ENRG](#) [KNNP](#) [PARM](#) [TRGY](#) [KS](#)

SUBJECT: NUCLEAR SUPPLIERS GROUP - ENRICHMENT AND REPROCESSING (ENR) NON-PAPER

Sensitive but unclassified; protect accordingly.

¶1. (SBU) This is an action cable. Paragraph 3 contains the text of a non-paper on the issue of reaching consensus on the criteria-based approach to amending the Nuclear Suppliers Guidelines to strengthen controls over the export of enrichment and reprocessing (ENR) facilities, equipment, and technology. This issue was discussed by ISN DAS Hayward with ROK interlocutors during bilateral meetings with MEST and MOFAT officials on the margins of the US/ROK Joint Standing Committee on Nuclear Energy Cooperation, October 20-23, ¶2008. This non-paper is to follow up with ROK officials, urging ROK support for going to closure on the criteria-based approach as proposed by the United States in May 2008, including the criterion regarding ENR recipients who are party to an agreement related to ENR (as amended by the Berlin NSG Plenary in May 2008). Embassy is requested to provide the non-paper as soon as possible to appropriate MOFAT and MEST officials, including Joon OH, Deputy Minister Of MOFAT for Multilateral, Global and Legal Affairs, noting that a copy was also provided to the ROK Embassy in Washington via email and fax on November 5. Note also that the cover letter to the ROK Embassy in paragraph 2 requests a reply by Wednesday, November 12.

¶2. (SBU) Text of cover letter to the ROK Embassy:

Minister Kim,

On behalf of ISN Acting Assistant Secretary McNerney, please find attached the Enrichment and Reprocessing (ENR) non-paper AA/S McNerney spoke of during last Thursday's meeting. A hard copy of the attached non-paper has also been faxed to the ROK Embassy here in Washington.

A copy of the non-paper will also be made available to the U.S. Embassy in Seoul for transmission to MOFAT and MEST.

Please let me know if you have any difficulty receiving the document. We would greatly appreciate a reply by next Wednesday, November 12th.

Best regards,

Thy Nguyen

End text cover letter.

¶3. (SBU) Begin text Non-Paper

Non-paper

Reaching Consensus on a Criteria-based Approach in the Nuclear Suppliers Group

The United States seeks to achieve consensus at the November 19, 2008 meeting of the Consultative Group (CG) of the Nuclear Suppliers Group (NSG) on a revised U.S. criteria-based proposal for NSG control of transfers of enrichment and reprocessing (ENR) equipment and technology. Achieving consensus is an important U.S. foreign policy objective.

The United States has taken note of the Republic of Korea's (ROK) concern with the U.S. proposal to include the following language in Paragraph 6(b)(iv) of the NSG Guidelines:

&Whether the transfer is consistent with existing domestic and international obligations related to enrichment or reprocessing to which any Government associated with the transfer is a party.⁸

This aspect of the criteria is one of many factors to be considered by a supplier State in deciding whether to authorize a transfer of enrichment or reprocessing technology. It does not constitute a criterion that all NSG members have committed to apply in determining whether to authorize supply of trigger list items, such as those criteria proposed for Paragraph 6(a) of the guidelines.

The U.S. proposal to further restrict enrichment and reprocessing transfers by strengthening the NSG guidelines is intended to prevent the further spread of sensitive technologies and is consistent with our joint efforts to strengthen the global nonproliferation regime, including our work to denuclearize fully the Korean Peninsula in the context of the Six-Party Talks. We are concerned that the current position of the ROK undermines its principled position within the Six-Party Talks and will undercut the September 19, 1992 Joint Declaration, which reflects the commitments undertaken by each of the Six Parties. Specifically:

- The September 19, 2005 Joint Statement of the Six Party Talks includes the statement, &The 1992 Joint Declaration of the Denuclearization of the Korean Peninsula should be observed and implemented.⁸ The January 20, 1992 Joint Declaration states that, &The South and the North will not possess facilities for nuclear reprocessing and uranium enrichment.⁸ By incorporating into the agreement this language from the 1992 Joint Declaration, the agreement reflects the unambiguous commitment by South Korea that nuclear reprocessing and uranium enrichment will not be permitted on the Korean Peninsula.

- The Six Party endorsement of the 1992 Joint Declaration is an essential element of our efforts to achieve the verifiable denuclearization of the Korean Peninsula in a peaceful manner.

The ROK's stated position on the United States, proposed language in the NSG, if maintained, would significantly undermine and weaken the ROK's commitment to uphold the 2005 Joint Statement. The United States is very concerned by the ROK's position, which runs contrary to the ROK's long-established commitments and could cause serious damage to our coordinated efforts to achieve success through the Six-Party Talks.

The United States would be concerned by any attempt by the ROK to weaken Seoul's nonproliferation commitments under the 1992 Joint Declaration, the 2005 Joint Statement,

and the Six-Party Talks process.

As the United States recently discussed with the ROK, we are prepared to move forward on our proposal for continued cooperation in research and development of pyroprocessing technology, which we have shared separately, in order to determine jointly with the ROK whether pyroprocessing is feasible on a technical and economic basis and acceptable on nonproliferation grounds.

To evolve such proposals, we must continue to work together to advance our broader nonproliferation objectives and maintain progress in the Six-Party Talks. To this end, we strongly urge the ROK to reaffirm its commitment to refrain from pursuing reprocessing or enrichment capability, and endorse the changes to the NSG Guidelines as proposed by the United States.

End text of non-paper.

¶4. Department thanks Post for its assistance.
RICE

NNNN

End Cable Text